

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 37 be amended to read as follows:

1 Page 2, between lines 38 and 39, begin a new paragraph and insert:
2 "SECTION 5. IC 3-7-13-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The
4 registration period begins December 1 of each year (or the first Monday
5 in December if December 1 falls on a Saturday or Sunday).

6 (b) The registration period continues through the twenty-ninth day
7 before the date a primary election is scheduled under this title.

8 (c) The registration period resumes fourteen (14) days after primary
9 election day and continues through the twenty-ninth day before the date
10 a general or municipal election is scheduled under this article.

11 (d) This subsection applies in each precinct in which a special
12 election is to be conducted. The registration period ceases in that
13 precinct on the twenty-ninth day before a special election is conducted
14 and resumes fourteen (14) days after the special election occurs.

15 **(e) Notwithstanding subsections (b) through (d), a person may**
16 **register or transfer registration on the day of a primary, general,**
17 **municipal, school district, or special election as provided in**
18 **IC 3-7-49.**

19 SECTION 6. IC 3-7-13-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A person
21 desiring to register or transfer a registration may do so:

22 **(1)** at the office of the circuit court clerk or board of registration
23 through the close of business on the twenty-ninth day before the
24 election is scheduled to occur; **or**

25 **(2) on the day of a primary, general, municipal, school district,**
26 **or special election as provided in IC 3-7-49 or IC 3-10-11."**

27 Page 12, between lines 6 and 7, begin a new paragraph and insert:
28 "SECTION 31. IC 3-7-36-11 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) This
30 section applies only to a person described in subsection (b) who applies
31 to register to vote:

32 (1) after the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**; and

(2) before the date that the certified list of voters is prepared under IC 3-7-29-1.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the circuit court clerk or board of registration:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)** of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election as provided in this title.

SECTION 32. IC 3-7-36-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or

- 1 (iii) the individual of whom the voter is a dependent.
 2 (B) A copy of the government movement orders, with a
 3 reporting date not earlier than the beginning of the registration
 4 period that ended on the date described in ~~IC 3-7-13-11~~,
 5 **IC 3-7-13-11(1)**, of:
 6 (i) the voter;
 7 (ii) the voter's spouse; or
 8 (iii) the individual of whom the voter is a dependent.

9 (2) Completing a registration affidavit.
 10 (c) **Except as provided in subsection (g)**, a voter who registers
 11 under this section may vote at the upcoming election only by absentee
 12 ballot at the office of the circuit court clerk at the time the voter
 13 registers under this section or at any time after the voter registers under
 14 this section and before noon on election day. A voter who wants to vote
 15 under this subsection must do both of the following:

- 16 (1) Complete an application for an absentee ballot.
 17 (2) Sign an affidavit that the voter has not voted at any other
 18 precinct in the election.

19 The voter may vote at subsequent elections as otherwise provided in
 20 this title.

21 (d) If the voter votes by absentee ballot under this section, the circuit
 22 court clerk shall do the following:

- 23 (1) Certify in writing that the voter registered under this section.
 24 (2) Attach the certification to the voter's absentee ballot envelope.

25 (e) If the county has a board of registration, the board of registration
 26 shall promptly deliver the voter's registration affidavit to the circuit
 27 court clerk to permit the voter to vote under subsection (c).

28 (f) If the voter chooses not to vote under subsection (c), the county
 29 voter registration office shall register the voter on the first day of the
 30 next registration period.

31 **(g) A person described in subsection (b) may register and vote**
 32 **on the day of a primary, general, municipal, school district, or**
 33 **special election as provided in IC 3-7-49."**

34 Page 20, between lines 6 and 7, begin a new paragraph and insert:
 35 "SECTION 53. IC 3-7-48-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Except as
 37 otherwise provided by NVRA or in this chapter, a person whose name
 38 does not appear on the registration record may not vote, unless:

- 39 (1) the circuit court clerk or board of registration provides a
 40 signed certificate of error in the office where the permanent
 41 registration record is kept showing that the voter is legally
 42 registered in the precinct where the voter resides; **or**

43 **(2) the voter has registered as provided in IC 3-7-49.**

44 (b) A person:

- 45 (1) whose name does not appear on the registration record; **and**
 46 (2) **who does not register as provided in IC 3-7-49;**

47 may cast a provisional ballot as provided in IC 3-11.7."

48 Page 20, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 55. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 49. Election Day Registration

Sec. 1. (a) A person who is not registered to vote but is otherwise qualified to vote shall be allowed to vote at the polls in a primary, general, municipal, school district, or special election if the person registers at the polls under this chapter.

(b) In order to register to vote at a precinct under this chapter, the person:

- (1)** must be a resident of the precinct;
- (2)** must be otherwise legally qualified to vote under IC 3-7-13-1;
- (3)** may not be registered to vote under IC 3-7-14 through IC 3-7-23;
- (4)** may not be qualified to vote under IC 3-7-39-7, IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12; and
- (5)** may not have already voted in the election.

(c) Before allowing the person to vote, the poll clerk or other precinct election officer shall require the person to do the following:

- (1)** Complete a voter registration form prescribed by IC 3-7-18, along with the affirmation described in section 3 of this chapter, and sign the form in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, then the inspector for the precinct shall sign the form as the second precinct election officer.
- (2)** Provide acceptable proof of residence.

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of residence:

- (1)** A current and valid photo identification.
- (2)** A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.
- (3)** A statement signed by any other voter in the precinct that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator shall provide the identification listed in subdivision (1) or (2) as proof of the corroborator's residence and shall sign the statement in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the

precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If the person presents a document under subsection (a), the poll clerk shall add a notation to the poll list indicating the type of document presented by the person. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(d) The precinct election board shall advise the voter that the voter may file a copy of the documentation with:

(1) the county voter registration office; or

(2) the precinct election board in the voter's precinct; to permit the provisional ballot to be counted under IC 3-11.7.

Sec. 3. The commission shall prescribe the affirmation required by section 1(c)(1) of this chapter. The affirmation must include a statement that the person has not already voted at the election for which the person is registering to vote.

Sec. 4. A person who registers to vote under this chapter:

(1) may not be challenged on the grounds that the person's registration does not appear in the precinct registration book or poll list; and

(2) is not required to obtain a certificate of error under IC 3-7-48 to vote.

Sec. 5. Before each primary, general, municipal, school district, or special election, the county election board shall provide each precinct election board with a sufficient number of registration forms, affirmations, and statements to meet the reasonable need for the forms under this chapter.

Sec. 6. The precinct election board shall attach the completed registration forms, affirmations, and statements to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

Sec. 7. (a) The precinct election board shall add the name and address of a person who registers to vote under this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a person who registers to vote under this chapter to the registration record of the county.

Sec. 8. The county voter registration office shall process under IC 3-7-33-5 the voter registration forms completed under section 1 of this chapter.

Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who

1 registered under this chapter is returned as undeliverable, the
 2 county voter registration office shall initiate steps under
 3 IC 3-7-33-6 to remove the person from the registration rolls.

4 **Sec. 10. A registration completed under this chapter for which**
 5 **the notice mailed under IC 3-7-33-5 is not returned is effective to**
 6 **the same extent as if the registration had been completed under**
 7 **IC 3-7-14 through IC 3-7-23."**

8 Page 31, between lines 15 and 16, begin a new paragraph and insert:

9 "SECTION 72. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,
 10 SECTION 35, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2007]: Sec. 31.1. (a) This section applies
 12 only to election materials for elections held after December 31, 2003.

13 (b) The inspector of each precinct shall deliver the bags required by
 14 section 30(a) and 30(c) of this chapter in good condition, together with
 15 poll lists, tally sheets, and other forms, to the circuit court clerk when
 16 making returns.

17 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
 18 affidavits received by the county election board under IC 3-14-5-2 for
 19 delivery to the foreman of a grand jury, the circuit court clerk shall seal
 20 the ballots and other material during the time allowed to file a verified
 21 petition or cross-petition for a recount of votes or to contest the
 22 election. Except as provided in subsection (d), after the recount or
 23 contest filing period, the election material (except for ballots, which
 24 remain confidential) shall be made available for copying and inspection
 25 under IC 5-14-3. The circuit court clerk shall carefully preserve the
 26 sealed ballots and other material for twenty-two (22) months, as
 27 required by 42 U.S.C. 1974, after which the sealed ballots and other
 28 material are subject to IC 5-15-6 unless an order issued under:

29 (1) IC 3-12-6-19 or IC 3-12-11-16; or

30 (2) 42 U.S.C. 1973;

31 requires the continued preservation of the ballots or other material.

32 (d) If a petition for a recount or contest is filed, the material for that
 33 election remains confidential until completion of the recount or contest.

34 (e) Upon delivery of the poll lists, the county voter registration
 35 office may unseal the envelopes containing the poll lists. For the
 36 purposes of:

37 (1) a cancellation of registration conducted under IC 3-7-43
 38 through IC 3-7-46;

39 (2) a transfer of registration conducted under IC 3-7-39,
 40 IC 3-7-40, or IC 3-7-42;

41 (3) a change of name made under IC 3-7-41;

42 (4) adding the registration of a voter under IC 3-7-48-8 **or**
 43 **IC 3-7-49;** or

44 (5) recording that a voter subject to IC 3-7-33-4.5 submitted the
 45 documentation required under 42 U.S.C. 15483 and IC 3-11-8 or
 46 IC 3-11-10;

47 the county voter registration office may inspect the poll lists and update
 48 the registration record of the county. The county voter registration

office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12."

Page 32, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 75. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d), **except that a person may register or transfer registration on the day of a special election as provided in IC 3-7-49.**

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

- (1) have registered through the twenty-ninth day before the special election is to be conducted; or
- (2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.

(d) The restrictions on the sale of alcoholic beverages set forth in IC 7.1-5-10-1 apply in each precinct in which the special election is conducted."

Page 41, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 92. IC 3-11-8-15, AS AMENDED BY P.L.230-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.

- 1 (2) Poll clerks and assistant poll clerks.
- 2 (3) Election sheriffs.
- 3 (4) Deputy election commissioners.
- 4 (5) Pollbook holders and challengers.
- 5 (6) Watchers.
- 6 (7) Voters for the purposes of:
 - 7 (A) voting; **or**
 - 8 (B) **for voters registering to vote on election day under**
 - 9 **IC 3-7-49, filing a copy of the documentation required by**
 - 10 **IC 3-7-49-2(a) with the precinct election board in the**
 - 11 **voter's precinct, so that the individual's provisional ballot**
 - 12 **may be counted under IC 3-11.7.**
- 13 (8) Minor children accompanying voters as provided under
- 14 IC 3-11-11-8.
- 15 (9) An assistant to a precinct election officer appointed under
- 16 IC 3-6-6-39.
- 17 (10) An individual authorized to assist a voter in accordance with
- 18 IC 3-11-9.
- 19 (11) A member of a county election board, acting on behalf of the
- 20 board.
- 21 (12) A mechanic authorized to act on behalf of a county election
- 22 board to repair a voting system (if the mechanic bears credentials
- 23 signed by each member of the board).
- 24 (13) Either of the following who have been issued credentials
- 25 signed by the members of the county election board:
 - 26 (A) The county chairman of a political party.
 - 27 (B) The county vice chairman of a political party.
- 28 (14) The secretary of state, as chief election officer of the state,
- 29 unless the individual serving as secretary of state is a candidate for
- 30 nomination or election to an office at the election.
- 31 (b) This subsection applies to a simulated election for minors
- 32 conducted with the authorization of the county election board. An
- 33 individual participating in the simulated election may be in the polls for
- 34 the purpose of voting. A person supervising the simulated election may
- 35 be in the polls to perform the supervision.
- 36 (c) The inspector of a precinct has authority over all simulated
- 37 election activities conducted under subsection (b) and shall ensure that
- 38 the simulated election activities do not interfere with the election
- 39 conducted in that polling place.
- 40 SECTION 93. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,
- 41 SECTION 55, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JANUARY 1, 2007]: Sec. 16. A person may not remain
- 43 within a distance equal to the length of the chute (as defined in
- 44 IC 3-5-2-10) of the entrance to the polls except for the purpose of:
 - 45 (1) offering to vote; **or**
 - 46 (2) **for voters registering to vote on election day under**
 - 47 **IC 3-7-49, filing a copy of the documentation required by**
 - 48 **IC 3-7-49-2(a) with the precinct election board in the voter's**

- 1 precinct, so that the individual's provisional ballot may be
- 2 counted under IC 3-11.7."
- 3 Page 43, line 12, strike "the voter's name".
- 4 Page 43, line 13, delete ". A" and insert **"the voter's name and**
- 5 **whether the voter wants to register to vote at the polls. If the voter**
- 6 **wants to register and meets the conditions set forth in IC 3-7-49,**
- 7 **the poll clerk or other precinct election officer shall register the**
- 8 **voter in accordance with IC 3-7-49. If the voter is already**
- 9 **registered, a".**
- 10 Page 45, line 5, after "25.5." insert **"(a)".**
- 11 Page 45, line 12, after "polls" insert **",."**
- 12 Page 45, line 12, strike "to cast a".
- 13 Page 45, line 13, strike "ballot at the election." and insert **"except as**
- 14 **provided by subsection (b).**
- 15 **(b) An individual who:**
- 16 **(1) registers to vote on election day under IC 3-7-49; and**
- 17 **(2) casts a provisional ballot under IC 3-11.7, because the**
- 18 **individual is unable to present the documentation required**
- 19 **under IC 3-7-49-2(a);**
- 20 **is entitled to reenter the polls solely to file a copy of the**
- 21 **documentation required by IC 3-7-49-2(a) with the precinct**
- 22 **election board in the voter's precinct, so that the individual's**
- 23 **provisional ballot may be counted under IC 3-11.7."**
- 24 Page 63, between lines 1 and 2, begin a new line block indented and
- 25 insert:
- 26 **"(4) An individual who is registering to vote at the polls but**
- 27 **has not presented identification required under IC 3-7-49-2."**
- 28 Page 63, line 5, after "IC 3-11-8-25;" insert **"or".**
- 29 Page 63, line 6, delete "or".
- 30 Page 63, line 9, after "cast;" insert **"or**

- 1 **(3) presented identification required under IC 3-7-49-2 to the**
- 2 **poll clerk before voting in person under IC 3-11-8-25.1;"**
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 37 as printed January 25, 2006.)

Senator HOWARD